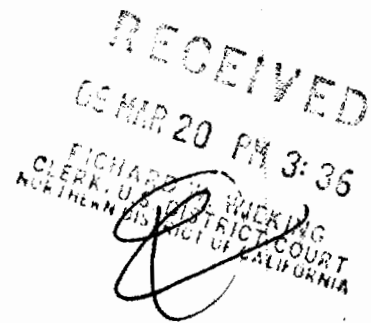


**ORIGINAL**

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as individuals and as trustees for the Bottom Family  
1989 Trust, and The Blue Oak Charitable Fund,  
a California non-profit public benefit corporation

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARY A BOTTOMS, as individuals and as  
trustees for the Bottoms Family 1989 Trust;  
THE BLUE OAK CHARITABLE FUND, a  
California non-profit public benefit  
corporation,

Plaintiff,

vs.

ATKN COMPANY OF CALIFORNIA, f/k/a  
Guy F. Atkinson Company of California;  
ATKN COMPANY, a Nevada corporation,  
f/k/a/ Guy F. Atkinson Company, and DOES  
1- 100

Defendants.

CASE NO. C 05 03045 EMC  
**AMENDED ORDER**  
**STIPULATION AND ORDER**  
**EXTENDING TIME TO ANSWER, AND**  
**EXTENDING THE CASE SCHEDULE**  
**AND INITIAL CASE MANAGEMENT**  
**CONFERENCE; ORDER**  
[CIV. LOC. R. 6-2]

The parties to this action respectfully request an additional extension of time for the  
defendants to answer the complaint and for the other deadlines associated with the Answer.

The Court graciously granted our last request for an extension of time on February 14,  
2006. A copy of that Stipulation and Order is enclosed as Exhibit A.

As reported in earlier stipulations, the issue faced by the parties at this juncture of the case  
is identifying the insurance companies who may be responsible for defending and indemnifying

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STIPULATION AND ORDER EXTENDING TIME TO  
ANSWER, AND EXTENDING THE CASE SCHEDULE  
AND INITIAL CASE MANAGEMENT CONFERENCE

LAW OFFICES OF  
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the defendant. There has been progress on this point. Several insurance companies have been in direct contact with counsel for the plaintiff. One requested that we seek this additional extension of time, to which plaintiff's counsel agreed. Other insurance companies have reported that they are searching for policies and attempting to determine how they fit into the insurance structure for the defendant. One insurance company has denied any responsibility to cover the defendant. The plaintiff has responded to them and suggested that the company reconsider its position.

Unfortunately, our estimate that the defendant would be in a position to answer by March 21, 2006 proved to be too optimistic.

We have no interest in delaying the progress of this case indefinitely, but we recognize that it may prove more efficient in the long run to give the insurers another short extension of time, to allow them to reconnoiter their position positively determine whether they will be providing a defense or not, than to have them complain later that they were not given adequate ability to defend their insured.

Accordingly, the parties respectfully request that the Court allow an additional, short extension of time for the defendant to answer the complaint. We are requesting an additional 30 days.

We suggest the following schedule:

	<u>Current Due Date</u>	<u>New Due Date</u>	
Answer	3/21/06	4/20/06	
Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	4/12/06	<del>5/12/06</del> 5/17/06	Gmc
Last day to file Joint ADR Certification With Stipulation to ADR Process of Notice of Need for ADR Phone Conference	4/12/06	<del>5/12/06</del> 5/17/06	Gmc

1 Last day to complete initial  
2 disclosures or state objection in  
3 Rule 26(f) Report, file/serve  
Case Management Statement,  
and file/serve Rule 26(f) Report

4/26/06

5/31/06  
~~5/26/06~~ *enc*

4 Case Management Conference  
5 in Courtroom C, 15th Floor at  
6 1:30 PM

5/3/06

6/7/06  
6/2/06 *enc*

7 We also request additional time for the parties to submit to the Court their stipulation to  
8 allow Magistrate Chen to fulfill the role of District Court Judge in this matter.

9  
10  
11 SO STIPULATED:

12 DATED: *March 20*  
13 February \_\_, 2006

LELAND, PARACHINI, STEINBERG,  
MATZGER & MELNICK, LLP

By:

*Mitchell Chyette*  
Mitchell Chyette  
Attorneys for Mary A. Bottoms, as  
individuals and as trustees for the Bottom  
Family 1989 Trust, and The Blue Oak  
Charitable Fund, a California non-profit  
public benefit corporation

18 *March 20*  
19 DATED: February \_\_, 2006

PACHULSKI STANG ZIEHL YOUNG <sup>G</sup>JONES &  
WEINTRAUB LLP

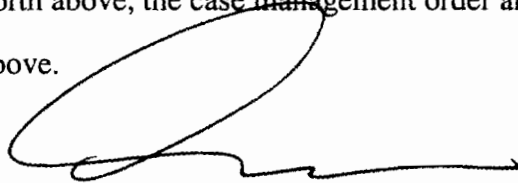
By:

*Henry Kevane*  
Henry Kevane  
Attorneys for ATKN defendants

ORDER

Pursuant to the stipulation set forth above, the case management order and schedule are hereby changed to the dates set forth above.

Dated: March 21, 2006



Hon. Edward M. Chen  
United States District Court for the Northern  
District of California

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ORIGINAL

RECEIVED

FEB 14 PM 3:53

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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as individuals and as trustees for the Bottom Family  
1989 Trust, and The Blue Oak Charitable Fund,  
a California non-profit public benefit corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARY A BOTTOMS, as individuals and as  
trustees for the Bottoms Family 1989 Trust;  
THE BLUE OAK CHARITABLE FUND, a  
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Plaintiff,

vs.

ATKN COMPANY OF CALIFORNIA, f/k/a  
Guy F. Atkinson Company of California;  
ATKN COMPANY, a Nevada corporation,  
f/k/a/ Guy F. Atkinson Company, and DOES  
1- 100

Defendants.

CASE NO. C 05 03045 EMC

**STIPULATION AND ORDER  
EXTENDING TIME TO ANSWER, AND  
EXTENDING THE CASE SCHEDULE  
AND INITIAL CASE MANAGEMENT  
CONFERENCE** *ORDER*  
[CIV. LOC. R. 6-2]

This action was filed on July 27, 2005. Counsel for the defendants executed a Notice of Waiver of Service on September 2, 2005. The parties stipulated to, and Court granted an extension of time to answer the complaint on October 13, 2005. An answer to the Complaint is currently due on February 21, 2006.

The parties respectfully request that the Court allow an additional, short extension of time for the defendant to answer the complaint. We are requesting an additional 30 days.

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STIPULATION AND ORDER EXTENDING TIME TO  
ANSWER, AND EXTENDING THE CASE SCHEDULE  
AND INITIAL CASE MANAGEMENT CONFERENCE

EXHIBIT "A"

LAW OFFICES OF  
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The defendants are still in bankruptcy (U.S. Bankr. Ct. No. 97-33694-TC (N.D. Cal.)). Modified relief from the automatic stay was obtained by the plaintiff for the purpose of pursuing this claim to the extent of the defendants' insurance.

This action involves a claim of environmental damage that extends for many years into the past. The plaintiffs submit that the identification of the insurers has been somewhat hampered by the lack of complete records on insurance going back far enough. The defendants have tendered the defense of this claim to those insurers that we have been able to identify. Additional responses to these requests have been received since the parties last requested an extension of time from the Court, but none of the insurance companies have agreed to defend the defendant. We remain in the process of determining whether the insurers who were notified actually insured the defendants and, if so, what their duties under their policies are.

We believe that this situation can be brought to conclusion within 30 days. Accordingly, the plaintiffs and the defendant hereby stipulates to an additional short extension of the time to answer.

We have made one previous request for an extension.

This extension of time has implications for the case management schedule. Accordingly, the parties stipulate that the case management schedule should be adjusted accordingly. By adding 30 days to the dates on the existing case management schedule, the parties respectfully submit that the schedule should be amended as follows:

	<u>Original due date</u>	<u>Previous Order</u>	<u>New Date</u>
Answer	10/24/05	2/21/06	3/21/06
Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	11/16/05	3/16/06	<del>4/17/06</del> 4/17/06

1 Last day to file Joint ADR Certification  
2 With Stipulation to ADR Process of  
3 Notice of Need for ADR Phone  
Conference

11/16/05 3/16/06

~~4/17/06~~

4/12/06

(Gee)

4 Last day to complete initial disclosures  
5 or state objection in Rule 26(f) Report,  
6 file/serve Case Management Statement,  
and file/serve Rule 26(f) Report

11/30/05 3/30/06

~~5/1/06~~

4/26/06

(Gee)

7 Case Management Conference in  
Courtroom C, 15th Floor at 1:30 PM

12/7/05 4/5/06

~~5/3/06~~  
~~5/5/06~~

(Gee)

9 SO STIPULATED:

10 DATED: February 14/2006

LELAND, PARACHINI, STEINBERG,  
MATZGER & MELNICK, LLP

12 By:

*Mitchell Chyette*

Mitchell Chyette  
Attorneys for Mary A. Bottoms, as  
individuals and as trustees for the Bottom  
Family 1989 Trust, and The Blue Oak  
Charitable Fund, a California non-profit  
public benefit corporation

17 DATED: February 14, 2006

PACHULSKI STANG ZIEHL YOUNG JONES  
WEINTRAUB

19 By:

*Henry Kevane*

Henry Kevane  
Attorneys for ATKN defendants

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STIPULATION AND ORDER EXTENDING TIME TO  
ANSWER, AND EXTENDING THE CASE SCHEDULE  
AND INITIAL CASE MANAGEMENT CONFERENCE

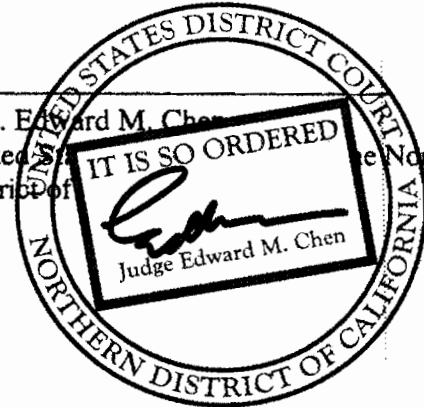
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**ORDER**

Pursuant to the stipulation set forth above, the case management order and schedule are hereby changed to the dates set forth above.

Dated: February 17, 2006

Hon. Edward M. Chen  
United States District Court for the Northern  
District of California



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